

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



RAÚL TORREZ
ATTORNEY GENERAL

August 30, 2023

Eddie D. Greim
Graves Garrett
1100 Main Street, Ste. 2700
Kansas City, MO 64105
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In Re: *Voter Reference Foundation v. Torrez, et al.*

Dear Mr. Greim:

Please find enclosed the New Mexico voter data requested in VRF's previously executed affidavits, along with an invoice for the statutory voter data fees.

We are providing this data now because of statements made in Court at hearing on our respective Motions for Summary Judgment (*i.e.*, that VRF will not post New Mexico's voter data online except in the event of a final judgment stating that VRF has the right to do so and that New Mexico cannot lawfully prohibit it). We are satisfied that these statements retract the qualifications previously placed on VRF's use of voter data in its affidavits. The decision to provide this data was made by the Secretary's Office immediately following the Summary Judgment Hearing on June 14, 2023. However, in the confusion occasioned by Kelsey Schremmer's departure, I failed to ensure this data was provided to you.

As the Secretary's Office has consistently maintained, it cannot provide voter data to VRF on conditions different than what New Mexico law requires of the Office and of all other requestors. This includes the requirement of an affidavit stating that the data will not be used in unlawful ways. VRF's current stance—that it will not post the data unless a court says it can lawfully do so—is meaningfully different than its May 2022 stance—that it would not post the data unless a court said it wouldn't get in trouble when it did so. In light of the new statements, the Secretary's Office can lawfully provide the data requested in VRF's affidavits and is happy to do so.

If there is anything else you would like to discuss following the hearing, please don't hesitate to reach out.

Sincerely,
/s/ Mark W. Allen
Mark W. Allen
Assistant Attorney General

cc: Matthew Mueller, *via email only*
Jackson Tyler, *via email only*
Jeff Dan Herrera, *via email only*